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| 10/609,126 | 06/27/2003 | Uwe Krueger | 34874-162 UTIL | 6692 |
| 64280 7590 03/08/2007 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. 9255 TOWNE CENTER DRIVE SUITE 600 SAN DIEGO, CA 92121 | | | EXAMINER KANG, INSUN | |
| | | | ART UNIT 2193 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | | MAIL DATE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/609,126

Applicant(s)

KRUEGER, UWE

Examiner

Insun Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-9, and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to amendment filed on 12/4/2006.
2. As per applicant's request, claims 2, 3, 10, and 11 have been cancelled, claims 1 and 4-9 have been amended and claims 13 and 14 have been added. Claims 1, 4-9, and 12-14 are pending in the application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 4-8, and 13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 4-8, and 13 are non-statutory because they are directed to a "computer-implemented software application framework" without recitation of a computer or a computer-readable medium embodying the framework either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed functionalities. The claimed computer-implemented framework is non-functional descriptive material, and is not statutory because it is not a physical "thing" nor a statutory process, as there are not "acts" being performed. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer or computer-readable medium

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needed to realize the program's functionality. In contrast, a claimed computer or computer-readable medium encoded with a program defines structural and functional interrelationships between the program and the medium which permit the program's functionality to be realized, and is thus statutory. It is suggested to change the claims as "a computer implemented software application framework embodied on a computer".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4-9, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Aditham et al. (US Patent. 6,378,001) hereafter "Aditham."

Per claim 1:

Aditham discloses:

-a virtual object space providing access to a plurality of objects, each object having a set of functionality and being identifiable by a unique identifier provided by the virtual object space (i.e. col. 4 lines 10-20; col. 6 lines 47-65) and providing generic object functionality for the plurality of objects(i.e. Fig 3, col. 2 lines 30-41; col. 5 lines 15-35;

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col. 6 lines 47-65) including an associations and transactions functionality for relating objects and interaction between objects (i.e. col. 8 lines 12-18); a distribution functionality for locking, flushing, and copying of the virtual object space (i.e. col. 7 lines 43-53) ; and persistency functionality for maintaining persistency of the objects(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65; col. 8 lines 12-22); and a visualization framework for visualizing the plurality of objects independently of an application implementing the object, each object being visualized using the object's unique identifier and according to the object's corresponding set of functionality (i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65).

Per claim 4:

The rejection of claim 1 is incorporated, and further, Aditham teaches:

-framework services providing common event handling of the plurality of objects(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65).

Per claim 5:

Aditham discloses:

a virtual object space providing access to a plurality Of objects, each object being identifiable by a unique identifier, providing generic object functionality for the plurality of objects(i.e. Fig 3, col. 2 lines 30-41; col. 5 lines 15-35; col. 6 lines 47-65) including an associations and transactions functionality for relating objects and interaction between objects (i.e. col. 8 lines 12-18); a distribution functionality for locking, flushing, and

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copying of the virtual object space (i.e. col. 7 lines 43-53) ; and persistency functionality for maintaining persistency of the objects(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65; col. 8 lines 12-22);a user interface for receiving input from a user relating to a desired arrangement of one or more of the plurality of objects(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65); and a visualization framework for visualizing objects according to the desired arrangement, each object being visualized using the object's unique identifier independently of an application implementing the object(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65).

Per claim 6:

The rejection of claim 5 is incorporated, and further, Aditham teaches:

wherein the user interface further includes allowing a user to browse the plurality of objects independent of one or more applications implementing the objects(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65).

Per claim 7:

The rejection of claim 5 is incorporated, and further, Aditham teaches:

the desired arrangement is hierarchical(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65).

Per claim 8:

The rejection of claim 5 is incorporated, and further, Aditham teaches:

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the visualization framework includes an object viewer(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65).

Per claim 13:

The rejection of claim 1 is incorporated, and further, Aditham teaches:

providing a portlet to access the generic object functionality to visualize the structure of the plurality of objects(i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65).

Per claims 9, 12, and 14, they are the method versions of claims 1, 4, and 13, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 4, and 13 above.

7. Claims 1, 4-9, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Koppolu et al. (US Pg. Pub. 2002/0103824) hereafter "Koppolu."

Per claim 1:

Koppolu discloses:

-a virtual object space providing access to a plurality of objects, each object having a set of functionality and being identifiable by a unique identifier provided by the virtual object space (i.e. 0012; fig 5-7; 0191;0539) providing generic object functionality for the plurality of objects(i.e. 0012; fig 5-7; 0191;0539; 0425) including an associations and transactions functionality for relating objects and interaction between objects (i.e. 0425); a distribution functionality for locking, flushing, and copying of the virtual object space

(i.e. 0458,0404) ; and persistency functionality for maintaining persistency of the objects(i.e. 0508; 0012; fig 5-7; 0191;0539); and a visualization framework for visualizing objects independently of an application implementing the object, each object being visualized using the object's unique identifier and according to the object's corresponding set of functionality (i.e. fig 5-7; 0191; 0192).

Per claim 4:

The rejection of claim 1 is incorporated, and further, Koppolu teaches:

-framework services providing common event handling of the plurality of objects(i.e. 0012; fig 5-7; 0191;0539).

Per claim 5:

Koppolu discloses:

a virtual object space providing access to a plurality of objects, each object being identifiable by a unique identifier; providing generic object functionality for the plurality of objects(i.e. 0012; fig 5-7; 0191;0539; 0425) including an associations and transactions functionality for relating objects and interaction between objects (i.e. 0425); a distribution functionality for locking, flushing, and copying of the virtual object space (i.e. 0458,0404) ; and persistency functionality for maintaining persistency of the objects(i.e. 0508; 0012; fig 5-7; 0191;0539); a user interface for receiving input from a user relating to a desired arrangement of one or more software objects (i.e. 0012; fig 5-7; 0191;0539); and a visualization framework for visualizing objects according to the

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desired arrangement, each object being visualized using the object's unique identifier independently of an application implementing the object(i.e. fig 5-7; 0191; 0192).

Per claim 6:

The rejection of claim 5 is incorporated, and further, Koppolu teaches:

wherein the user interface further includes allowing a user to browse the plurality of objects independent of one or more applications implementing the objects (i.e. 0012; fig 5-7; 0191;0539).

Per claim 7:

The rejection of claim 5 is incorporated, and further, Koppolu teaches:

the desired arrangement is hierarchical(i.e. 0012; fig 5-7; 0191;0539).

Per claim 8:

The rejection of claim 5 is incorporated, and further, Koppolu teaches:

the visualization framework includes an object viewer(i.e. 0012; fig 5-7; 0191;0539).

Per claim 13:

The rejection of claim 1 is incorporated, and further, Koppolu teaches:

providing a portlet to access the generic object functionality to visualize the structure of the plurality of objects(i.e. 0012; fig 5-7; 0191;0539).

Per claims 9, 12, and 14, they are the method versions of claims 1, 4, and 13, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 4, and 13 above.

Response to Arguments

8. Applicant's arguments filed on 12/4/2006 have been fully considered but they are not persuasive.

The applicant states that neither Koppolu nor Aditham teaches a virtual object space providing generic object functionality such as an associations and transactions functionality, a distribution functionality, and persistency functionality.

In response to the above statement, Aditham discloses a collaborative framework with shared objects having generic life cycle services including an associations and transactions functionality for relating objects and interaction between objects (i.e. col. 8 lines 12-18); a distribution functionality (i.e. col. 7 lines 43-53); and persistency functionality (i.e. Fig 3, col. 5 lines 15-35; col. 6 lines 47-65; col. 8 lines 12-22). Koppolu also discloses a unified browsing environment supporting unified seamless navigation among different varieties of documents, data, and application programs (i.e. 0012). Koppolu's unified browser includes generic object functionalities such as an associations and transactions functionality for relating objects and interaction between objects (i.e. 0425); a distribution functionality (i.e. 0458,0404); and persistency

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functionality for maintaining persistency of the objects (i.e. 0508; 0012; fig 5-7; 0191;0539).

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-R 6:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent

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